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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,606	11/20/2001	Khai Pham	19903.0003	8810
23517	7590	03/17/2005	EXAMINER	
SWIDLER BERLIN LLP 3000 K STREET, NW BOX IP WASHINGTON, DC 20007			CHAI, LONGBIT	
			ART UNIT	PAPER NUMBER
			2131	

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,606

Applicant(s)

PHAM ET AL.

Examiner

Longbit Chai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. No claim for priority has been made in this application.

The effective filing date for the subject matter defined in the pending claims in this application is 11/20/2001.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraph of 35 U.S.C. 102 that forms the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 10, 15, 16, 27 – 36, 41, 42, 53 – 62, 67 and 68 are rejected under 35 U.S.C. 102(e) as being anticipated by Bates (Patent Number: 6785732), hereinafter referred to as Bates.

As per claim 1, 15, 27, 41, 53 and 67, Bates teaches a method for protecting users from Web sites hosting computer viruses comprising the steps of:

receiving information identifying a Web page selected for access by a user
(Bates: see for example, Figure 9 Element 910);

determining whether the Web page is hosted by a Web site that is included in a database of Web sites related to computer viruses (Bates: see for example, Figure 9 Element 920 and Column 10 Line 59 – 63); and

allowing access to the Web page based on whether the Web page includes a link to a Web site that is included in the database (Bates: see for example, Figure 9 Element 922).

As per claim 2, 28 and 54, Bates teaches the claimed invention as described above (see claim 1, 27 and 53 respectively). Bates further teaches preventing access to the Web page before determining whether the Web page is included in the database (Bates: see for example, Column 8 Line 52 – 54).

As per claim 3, 5, 29, 31, 55 and 57, Bates teaches the claimed invention as described above (see claim 1, 4, 28, 30, 54 and 56 respectively). Bates further teaches:

allowing access to the Web page, if the Web page is determined not to be included in the database (Bates: see for example, Figure 9 Element 950 & 916); and

continuing to prevent access to the Web page, if the Web page is determined to be included in the database (Bates: see for example, Figure 9 Element 922).

As per claim 4, 30 and 56, Bates teaches the claimed invention as described above (see claim 1, 27 and 53 respectively). Bates further teaches allowing access to

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the Web page before determining whether the Web page is included in the database (Bates: see for example, Column 8 Line 45 – 54).

As per claim 6, 32 and 58, Bates teaches the claimed invention as described above (see claim 1, 27 and 53 respectively). Bates further teaches generating the database of Web sites related to computer viruses (Bates: see for example, Figure 10 Element 1040 and Column 6 Line 10 – 20).

As per claim 7, 9, 33, 35, 59 and 61, Bates teaches the claimed invention as described above (see claim 6, 7, 32, 33, 58 and 59 respectively). Bates further teaches extracting, from a first Web page, a link to a second Web page; fetching the second Web page using the link; scanning the second Web page for computer viruses (Bates: see for example, Column 10 Line 59 – 63) and storing information relating to a Web site that is hosting the second Web page in the database (Bates: see for example, Column 10 Line 62 – 63 & Figure 10 Element 1040).

As per claim 8, 10, 34, 36, 60 and 62, Bates teaches the claimed invention as described above (see claim 7, 9, 33, 35, 59 and 61 respectively). Bates further teaches the stored information includes information identifying the Web site that is hosting the second Web page and information identifying any computer viruses that were found in the second Web page (Bates: see for example, Column 10 Line 62 – 63 and Column 12 Line 39 – 47).

As per claim 16, 42 and 68, Bates teaches the claimed invention as described above (see claim 15, 41 and 67 respectively). Bates further teaches extracting, from the first Web page, links to other Web pages (Bates: see for example, Column 10 Line 59 – 63); and determining whether the other Web pages are hosted by Web sites that are included in the database (Bates: see for example, Figure 9 Element 920 and Column 10 Line 59 – 63).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 11 – 14, 23 – 26, 37 – 40, 49 – 52, 63 – 66 and 75 – 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates (Patent Number: 6785732), hereinafter referred to as Bates, in view of “Virus Alert, 02/21/2001” UVA Information Technology and Communication, hereinafter referred to as UITC.

As per claim 11, 13, 37, 39, 63, and 65, Bates teaches the claimed invention as described above (see claim 6, 11, 32, 37, 58 and 63 respectively). Bates further teaches:

extracting, from a first Web page, a link to a second Web page (Bates: see for example, Column; fetching the second Web page using the link; and scanning the second Web page for terminology relating to computer viruses (Bates: see for example, Column 10 Line 59 – 63);

reviewing content of the second Web page to determine whether a Web site hosting the second Web page is virus hosting (Bates: see for example, Column 2 Line 10 – 13). However, Bates does not disclose expressly the Web page is virus hosting, if the Web page includes terminology relating to computer viruses.

UITC teaches the virus checking /scanning is conducted based on the terminology relating to computer viruses (UITC: see for example, Page 1, Brief Summary, Line 9 – 11: UITC teaches virus alert is created based on the detection of generated worms such as VBS.Vbswg.gen, which is interpreted as one of special terminologies and naming conventions used by virus detection software. The PREFIX denotes the platform on which the virus replicates or the type of virus – i.e. VBS represents Visual Basic Script where viruses are written using VBS programming language and the NAME denotes the family name of the virus – i.e. vbswg, worm group).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of UITC within the system of Bates

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because UITS teaches providing a mechanism for virus alert and detection software (UITS: see for example, Line 1 – 4).

Accordingly, Bates in view of UITS teaches reviewing content of the second Web page to determine whether a Web site hosting the second Web page is virus hosting, if the second Web page includes terminology relating to computer viruses.

Bates further teaches:

storing information relating to the Web site that is hosting the second Web page in the database (Bates: see for example, Column 10 Line 62 – 63, Column 6 Line 10 – 20 and Figure 10 Element 1040).

As per claim 12, 14, 38, 40, 64 and 66, Bates in view of UITS teaches the claimed invention as described above (see claim 11, 13, 37, 39, 63 and 65 respectively). Bates further teaches the stored information includes information identifying the second Web page and information identifying any computer viruses that were found in the second Web page (Bates: see for example, Column 10 Line 62 – 63 and Column 12 Line 39 – 47).

As per claim 23, 25, 49, 51, 75 and 77, Bates as modified teaches the claimed invention as described above (see claim 18, 23, 44, 49, 70 and 75 respectively). Bates further teaches:

extracting, from a first Web page, a link to a second Web page (Bates: see for example, Column; fetching the second Web page using the link; and scanning the

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second Web page for terminology relating to computer viruses (Bates: see for example, Column 10 Line 59 – 63);

reviewing content of the second Web page to determine whether a Web site hosting the second Web page is virus hosting (Bates: see for example, Column 2 Line 10 – 13). However, Bates does not disclose expressly the Web page is virus hosting, if the Web page includes terminology relating to computer viruses.

UITC teaches the virus checking /scanning is conducted based on the terminology relating to computer viruses (UITC: see for example, Page 1, Brief Summary, Line 9 – 11: UITC teaches virus alert is created based on the detection of generated worms such as VBS.Vbswg.gen, which is interpreted as one of special terminologies and naming conventions used by virus detection software. The PREFIX denotes the platform on which the virus replicates or the type of virus – i.e. VBS represents Visual Basic Script where viruses are written using VBS programming language and the NAME denotes the family name of the virus – i.e. vbswg, worm group).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of UITC within the system of Bates because UITC teaches providing a mechanism for virus alert and detection software (UITC: see for example, Line 1 – 4).

Accordingly, Bates in view of UITC teaches reviewing content of the second Web page to determine whether a Web site hosting the second Web page is virus hosting, if the second Web page includes terminology relating to computer viruses.

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Bates further teaches:

storing information relating to the Web site that is hosting the second Web page in the database (Bates: see for example, Column 10 Line 62 – 63, Column 6 Line 10 – 20 and Figure 10 Element 1040).

As per claim 24, 26, 50, 52, 76 and 78, Bates in view of UITC teaches the claimed invention as described above (see claim 23, 25, 49, 51, 75 and 77 respectively). Bates further teaches the stored information includes information identifying the second Web page and information identifying any computer viruses that were found in the second Web page (Bates: see for example, Column 10 Line 62 – 63 and Column 12 Line 39 – 47).

4. Claim 17 – 22, 43 – 48 and 69 – 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates (Patent Number: 6785732), hereinafter referred to as Bates.

As per claim 17, 43 and 69, Bates teaches the claimed invention as described above (see claim 16 respectively). Bates further teaches hosting the first Web page, if the first Web page includes no links to a any Web pages that are hosted by a Web site that is included in the database (Bates: see for example, Figure 9 Element 950 & 916).

Bates does not disclose expressly refusing to host the first Web page, if the first Web page includes a link to a Web page that is hosted by a Web site that is included in the database.

However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Bates to refuse hosting the first Web page, if the first Web page includes a link to a Web page containing virus because (a) Bates teaches highlighting the bad link (containing virus) in a particular color or providing a text bubble message, which can be interpreted as another form of expressions refusing to host the web site in a normal way (Bates: see for example, Column 11 Line 13 – 16) and (b) Bates also teaches the database information includes the number of times the virus was detected, the origin of the virus, etc and stop providing the associated services to the related source due to excessive viruses detected (Bates: see for example, Column 12 Line 37 – 58), where the service should be obvious to include the web pages besides the email service (one example) as taught by Bates (Bates: see for example, Column 2 Line 10 – 13: the virus checking for those services including email, file download and web site).

As per claim 18, 44 and 70, Bates as modified teaches the claimed invention as described above (see claim 17, 43 and 69 respectively). Bates further teaches generating the database of Web sites related to computer viruses (Bates: see for example, Figure 10 Element 1040 and Column 6 Line 10 – 20).

As per claim 19, 21, 45, 47, 71 and 73, Bates as modified teaches the claimed invention as described above (see claim 18, 19, 44, 70 and 71 respectively). Bates further teaches extracting, from a first Web page, a link to a second Web page; fetching

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the second Web page using the link; scanning the second Web page for computer viruses (Bates: see for example, Column 10 Line 59 – 63) and storing information relating to a Web site that is hosting the second Web page in the database (Bates: see for example, Column 10 Line 62 – 63 & Figure 10 Element 1040).

As per claim 20, 22, 46, 48, 72 and 74, Bates as modified teaches the claimed invention as described above (see claim 19, 21, 45, 47, 71 and 73 respectively). Bates further teaches the stored information includes information identifying the Web site that is hosting the second Web page and information identifying any computer viruses that were found in the second Web page (Bates: see for example, Column 10 Line 62 – 63 and Column 12 Line 39 – 47).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 571-272-3788. The examiner can normally be reached on Monday-Friday 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Longbit Chai
Examiner
Art Unit 2131

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